



2026:AHC:10587

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 44658 of 2025

Akbar Khan

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Sanjay, Vinod Kumar Maurya
Counsel for Respondent(s)	: Bhupendra Kumar Tripathi, C.S.C.

Court No. - 2

HON'BLE PRAKASH PADIA, J.

1. Counsel for the petitioner is permitted to implead Additional Commissioner (Judicial), 1st, Varanasi Division, Varanasi as respondent no.10 in the array of parties during the course of the day.
2. The proceedings under Section 24 of the U.P. Revenue Code, 2006 was initiated by the petitioner before the respondent no.2-Sub Divisional Magistrate, Tehsil-Machhalishahar, District Jaunpur, which was registered as Case No.7284 of 2024, Computerised Case No.T202414360307284. In the said proceedings an order dated 25.02.2025 was passed in favour of the petitioner. For compliance of the aforesaid order an application was filed by the petitioner before the respondent no.2 on 05.03.2025. Since no decision was taken on the same petitioner has preferred present writ petition.
3. It appears from perusal of the record that aggrieved against the aforesaid order passed by the respondent no.2 in favour of petitioner dated 25.02.2025 private respondents namely Om Prakash etc. have preferred an appeal before the Additional Commissioner (Judicial), Ist, Varanasi Division, Varanasi under Section 24 (4) of the U.P. Revenue Code, 2006, which is still pending consideration.
4. In this view of the matter it is argued by counsel for the petitioner that though the appeal filed by the private respondents are pending consideration before the appellate authority but the stay application filed along-with the appeal has already been rejected. Hence a prayer has been

made to direct the respondent no.2 to comply with its own order dated 25.02.2025.

5. On the other hand it is argued by learned Standing Counsel that once the appeal filed by the private respondents against the aforesaid order is pending consideration before the appellate authority, no interference should be called for by this Court in the present writ petition.

6. At this point of time, a prayer has been made by counsel for the petitioner to direct the Additional Commissioner (Judicial), 1st, Varanasi Division, Varanasi to decide the appeal No.1275 of 2025, Competerized Case No.C202514000001275 filed by the private respondents expeditiously.

7. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents no.1 & 2 and Sri B. K. Tripathi, learned counsel for the respondent no.3.

8. In the facts and circumstances of the case and also in the interest of justice, respondent no.10-Additional Commissioner (Judicial), 1st, Varanasi Division, Varanasi is directed to decide the aforesaid appeal strictly in accordance with law most expeditiously and preferably within four months from the date of receipt of certified copy of this order.

(Prakash Padia,J.)

January 16, 2026

Pramod Tripathi